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EXAMINER

MILLER, BRANDON J

ART UNIT PAPER NUMBER

2683

DATE MAILED: 04/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

*Handwritten signature*

## Office Action Summary

Application No.

09/486,787

Applicant(s)

HART ET AL

Examiner

Brandon J Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 02 March 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Abstract***

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “501” of figure 5 has been used to designate both a step that “processes the message, determining its originator, date and time” and “other parameters for storage in the dispatch order database”. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Also note reference character “503” of figure 5 has been used to designate both a step that “creates a new entry” and “adds node to main screen job list”.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “604” of figure 6 has been used to designate both a step that “translates the message into an SMS message and updates the database” and a step that “adds an order icon to the job list”. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Also note reference character “605” of figure 6 has been used to designate both a step that “creates multiple SMS messages” and “other tasks”.

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The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "Create New Job Ticket" button (see pg. 11, line 30 and pg. 12, line 1). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "409" of figure 4. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Also note the steps shown in figure 7 and figure 8.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-8, 9, and 12-16 are rejected under 35 U.S.C 103(a) as being unpatentable over Alanara in view of Horton and Serbetcioglu. Alanara teaches a communications network adapted to communicate short message service ("SMS") messages (see col. 1, lines 13-16) with a communication device adapted to send and receive messages in a SMS format (col. 1, lines 21-23). Alanara teaches transmitting SMS messages over a communication network to a communication device (see abstract) and transmitting messages to a remote unit and receiving

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responsive information from that remote unit (see col. 1, lines 34-37). Alanara teaches an operation for delivering SMS messages from a network operator to a plurality of mobile stations (see col. 1, lines 65-67). Alanara also teaches a network information element for identifying a message (see col. 5, lines 34-35) and the transferring of a message from the network information element to a communication device adapted to cause the message to be displayed and capable of forwarding a reply message (see col. 5, lines 43-45 and lines 49-53). Alanara does not teach dispatching orders and receiving status information regarding the orders, users with communication devices remotely located, coupling a communication device to a computer, coupling a short message center to a mobile switching center, providing a user with a processor and a transceiver, or causing a processor to periodically process a short message. Horton indicates using a computer coupled to a communication device and a communication device able to receive and respond to dispatched work orders (see col. 1, lines 31-35 and col. 3, lines 23-25). Horton also indicates providing a transceiver and processor to a user (see col. 2, lines 8-10) and a user remotely located with a communication device (see col. 1, lines 42-44). Serbetciouglu indicates a processor that is periodically made to process messages for wireless transmission and transmitting those messages over a wireless network using a short messaging center coupled to a mobile switching center (see col. 6, lines 7-8 and col. 12, lines 22-24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Alanara, adapt to dispatch orders and receive status information regarding the orders, couple a communication device to a computer, couple a short message center to a mobile switching center, provide a user with a processor and a transceiver, cause a processor to periodically process a short message, and to have users with communication devices remotely located as

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indicated by Horton and Serbetcioglu because this would allow for further automation and management of dispatch orders to multiple users.

Referring to claim 2 Alanara in view of Horton and Serbetcioglu teach a device as recited in claims 1, 6, and 9. Horton further teaches a selected communication device that is provided with a response from a communication device (see col. 9, lines 41-45) and Serbetcioglu further teaches formulating a message into a SMS message (see col. 5, lines 44-47) and providing messages to a computer for storage (see abstract).

Referring to claim 3, Alanara in view of Horton and Serbetcioglu teach a device as recited in claims 1, 6, and 9. Horton further teaches a response that has test status information (see col. 9, lines 44-45).

Referring to claims 7 and 8, Alanara in view of Horton and Serbetcioglu teach a device as recited in claims 1, 6, and 9. Horton further teaches receiving an informational response message from a user (see col. 9, lines 40-45) and Serbetcioglu further teaches a database for storing information from multiple users that can be directed or routed to be associated with a unique user (see col.3, lines 38-40).

Referring to claims 12, 13, 14, 15, and 16 Alanara in view of Horton and Serbetcioglu teach a device as recited in claims 1, 6, and 9. Serbetcioglu further teaches a processor that receives and places multiple data into a database (col.11, lines 57-58 and col. 12, lines 22-24), allows users to have default functions (see col. 7 lines 36-38), and that is made to formulate short messages to selected units for wireless transmission (see col. 5, lines 44-47).

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alanara, Horton, Serbetcioglu and in further view of Sisley. Alanara, Horton, and Serbetcioglu suggest a

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device as recited in claims 1, 6, and 9 except for determining the length of a message, updating a database associated with a dispatch computer that stores information, displaying a message on a computer, and the creation of new orders. Serbetcioglu further teaches a method for determining if a message is large and retransmitting SMS messages (see col. 9, lines 55-56 and lines 63-64).

Horton further teaches updating a database associated with a dispatch computer that stores information and displaying an information message on a computer display screen (see col. 4, lines 12-15, lines 31-32 and lines 41-43). Sisley indicates a computer software application that automatically generates new call orders (see col. 1, lines 42-44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Alanara, Horton, and Serbetcioglu adapt to determine the length of a message, update a database associated with a dispatch computer that stores information concerning an order, display a message on a computer, and create new orders because this would allow for flexibility when managing dispatch operations.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alanara, Horton, Serbetcioglu and in further view of Billstrom. Alanara, Horton, and Serbetcioglu suggest a device as recited in claims 1, 6, and 9 except for receiving a message in SMS format and having a short message service center ("SMSC") as a network element and the use of GPRS over a wireless network. Serbetcioglu further teaches receiving a message in SMS format and having a short message service center ("SMSC") as a network element (see col. 1, lines 41-42 and col. 5, lines 62-63). Billstrom indicates the use of GPRS over a wireless network (see col. 1, lines 30-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Alanara, Horton, and Serbetcioglu adapt to receive a

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message in SMS format and have a short message service center ("SMSC") as a network element and to use GPRS over a wireless network because this would allow for implementation of packet data systems across existing wireless networks.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hall U.S. Patent No. 6,230,004 discloses a remote procedure calls using short message service.

Nguyen U.S. Patent No. 5,797,089 discloses a personal communications terminal having switches which independently energizes a mobile telephone and a personal digital assistant.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-2222. The examiner can normally be reached on Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-9508 for regular communications and 703-305-9508 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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March 26, 2002

  
WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
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